

**Case No.** \_\_\_\_\_

## NOTICE OF REMOVAL

- i. This action was filed in the Circuit Court of Madison County Alabama, case number 47-cv-2017-900920.00.
- ii. The United States of America is a named Defendant in this action. This action concerns issues of federal law under which the federal district courts have original and exclusive jurisdiction.

- iii. The United States was served on June 2, 2017, with the Summons and Complaint in this case. (Attached as Exhibit 1 to this Notice of Removal).
- iv. This action constitutes a claim of interest in certain property alleged to be forfeitable to the United States, per 18 U.S.C. § 982(a)(2)(A), in a federal criminal information filed in *United States v. Thomas L. Hinson, Jr.*, No. 2:17-cr-00050-AKK-TMP (N.D. Ala.), filed on January 30, 2017. No action against the United States may be brought with respect to such forfeitable property except as provided by the applicable forfeiture statute, and any such action must be brought in the federal court where the federal forfeiture is pending. 21 U.S.C. § 853(k), (n). Federal courts have original and exclusive jurisdiction of federal forfeiture proceedings pursuant to 28 U.S.C. § 1355(a). Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).<sup>1</sup>
- v. This action also is removable to this Court because the United States is a defendant. 28 U.S.C. § 1442(a).
- vi. This action also is removable to this Court pursuant to 28 U.S.C.

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<sup>1</sup> Because this civil action is not removed *solely* under section 1441(a), all defendants need not join in consent to the removal of the action. *See* 28 U.S.C. § 1446(b)(2)(A).

§ 1442(a)(1), as an action was commenced in a state court against the United States on account of the rights, title, and authority of the United States under a federal criminal forfeiture statute, 18 U.S.C. § 982(a)(2)(A).

- vii. This action also affects property in which the United States claims an interest, *see* 28 U.S.C. § 2410, and therefore may be removed to this Court under 28 U.S.C. § 1444.
- viii. This notice of removal is timely under 28 U.S.C. § 1446(b)(1), because it is filed within thirty (30) days of service of the Defendant United States in this case.
- ix. Pursuant to the removal statute, 28 U.S.C. § 1446(a), copies of the summons and complaint, which constitute all process, pleadings, and orders received by the United States with respect to this action, are attached hereto, as Exhibit 1.

WHEREFORE, the United States prays that this action be removed from the Circuit Court of Madison County, Alabama, to this U.S. District Court and placed on the docket of this Court, and that, upon the filing of this Notice with the Clerk of the Circuit Court of Madison County and service of notice upon all parties, the Circuit Court proceed no further with this action.

Respectfully submitted on this 16<sup>th</sup> day of June, 2017.

ROBERT O. POSEY  
ACTING UNITED STATES ATTORNEY

**/s Sarah C. Blutter**

Sarah Blutter

State Bar No. 3276-v40e

Thomas Borton

Assistant United States Attorneys

U.S. Attorney's Office for the Northern

District of Alabama

1801 Fourth Avenue North

Birmingham, Alabama 35203

(205) 244-2001

(205) 244-2182 (fax)

[sarah.blutter@usdoj.gov](mailto:sarah.blutter@usdoj.gov)

[thomas.borton@usdoj.gov](mailto:thomas.borton@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been electronically filed with the Clerk of Court, Northern District of Alabama, on June 16, 2017, using the CM/ECF filing system which will send notification of said filing to all counsel of record and, additionally, by certified United State mail to:

E. Kenneth Aycock  
Attorney for Plaintiffs Gary D. Brazier and Y.E.S. Automotive, LLC  
1107 23<sup>rd</sup> Avenue  
Tuscaloosa, AL 35401

Thomas L. Hinson, Jr.  
c/o Brett Bloomston  
2151 Highland Ave #310  
Birmingham, AL 35205

Washington Street Property Holdings, LLC  
2505 Washington Street  
Huntsville, AL 35811

**/s Sarah C. Blutter**  
Assistant United States Attorney